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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/760,203

01/21/2004

Kia Silverbrook

RRA18US

1339

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SILVERBROOK RESEARCH PTY LTD
393 DARLING STREET
BALMAIN, 2041
AUSTRALIA

EXAMINER

FERGUSON SAMRETH, MARISSA LIANA

ART UNIT

PAPER NUMBER

2854

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

04/23/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/760,203	Applicant(s) SILVERBROOK, KIA	
	Examiner Marissa L. Ferguson-Samreth	Art Unit 2854	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 January 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Silverbrook et al. (US Patent 6,447,113) in view of Carrese et al. (US Patent 6,390,615).

Regarding claims 1 and 2, Silverbrook et al. teaches an inkjet cartridge (32) having a page width print head (142,143) and an ink supply (Column 36, Line 59), a body defining a recess to receive the removable inkjet cartridge (32), a data connection point fast with the body for receiving data signals defining images for printing from an external data source (Column 6, Lines 50-60, Column 31, Lines 47-52, Figure 8A, elements 80,82,86, Table 33 and many references made throughout prior art) and a processor (181) coupled to the data connection point and arranged to operate the page width print head in response to the data signals to print said images (Column 6, Lines 57-60, Column 32, Lines 14-19 and many references made throughout prior art).

However, he does not explicitly disclose a refillable inkjet cartridge and a cradle body complementary to the inkjet cartridge, the cartridge being removably received in the cradle body, the cradle body incorporating a retaining latch and resilient members

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for retaining the inkjet cartridge and wherein the latch and resilient members are configured to enable refilling of the cartridge in the cradle body and an ink refill port for receiving an ink refill cartridge.

Carrese et al. teaches a cartridge (200) and a carriage cradle support structure (100) with a retainer portion (element 134, Column 5, Lines 42-65 and Figures 1, 3-5) including a latch (132), resilient members (elements 156, Column 4, Lines 52-63 and Figures 1, 2) arranged to retain the cartridge (200) and a mounting pipe (element 110 functions as the ink refill port) forming a conduit for ink fed from the cartridge (200). With respect to the limitation "configured so as to enable refilling of the inkjet cartridge in the cradle body", the language is functional language and the apparatus has the necessary structure to teach the claimed limitation.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention as taught by Silverbrook et al. to include a refillable cartridge and a retaining assembly as taught by Carrese et al., since Carrese et al. teaches that it is advantageous to conveniently remove, replace and/or refill the cartridge with simplicity and ease to the user.

Regarding claim 3, Silverbrook et al. teaches a power connection point for receiving operative power from an external power source (Column 9, Lines 32-45 and Column 11, Line 20).

Response to Arguments

2. Applicant's arguments filed 1/18/07 have been fully considered but they are not persuasive. In response to applicant's remarks on page 4, 7th paragraph, the examiner has considered the remarks. Therefore, for purposes of prosecution it is in the examiner's position to maintain that the recited claim language is functional language.

3. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Silverbrook et al. and Carrese et al. both teach a printer apparatus with ink cartridges. It would be well within the means to one of ordinary skill in the art to modify the Silverbrook et al. reference with some type of latch element for tightly securing the cartridge that is installed in the carriage member thereby preventing a print engine from being non-operational.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marissa L. Ferguson-Samreth whose telephone number is (571) 272-2163. The examiner can normally be reached on (M-T) 6:30am-4:00pm and every other(F) 7:30am-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on (571) 272-2258. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Marissa L Ferguson-Samreth
Examiner
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MFS

A handwritten signature in black ink, appearing to read "Daniel J. Colilla".

Daniel J. Colilla
Primary Examiner
Art Unit 2854